

*Great Brit. Geo II.*

24

Another edition of 212 R. 7 (1) above

212 R. 7

24

England. - Parliament. [Bills. - II. George II.]



Read  
11 Feb. 1754

*A BILL for Repairing and Widening the Road from the North End of Bridgeford-lane, in the County of Nottingham, to and through several Towns and Places in the Counties of Nottingham, Leicester, Rutland, and through Rockingham, to the Bowling-Green at Kettering, in the County of Northampton.*



Whereas the Road leading from the North End of Bridgeford-lane, near Trent-bridge, through Bridgeford-lane, and through the Towns of Plumtree, Normanton, and Upper-Broughton, in the County of Nottingham; and through Nether-Broughton, Ab-Kettleby, Melton Mowbray, Burton-Lazars, in the said County of Leicester; and through Langham, Oakham, and Uppingham, in the said County of Rutland; and through Rockingham, and Part of the Town of Kettering, to the Bowling-Green there, in the said County of Northampton; being a Branch of the Post-Road which leads from many large trading Towns in the Counties of York, Nottingham, Leicester, Rutland, and Northampton, to London; is, by reason of the Narrowness thereof in some Parts, and the many heavy Carriages passing thereon, become ruinous, and in some Parts thereof, in wet and rainy Seasons, subject to be overflowed; so that Travellers cannot pass thereon without great Danger; and the Produce of the Lands in, and Manufactures of, the said several Counties, cannot be carried to the proper Places for the Sale and Consumption thereof; and the said Road cannot, by the Laws now in Being, be repaired, and kept in Repair, without the Aid of Parliament;

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May



*May it therefore please your MAJESTY,*

That it may be Enacted, and be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That



shall be, and are hereby nominated, and appointed Trustees for the surveying, ordering, amending, widening, and keeping in Repair, the said Road, and for putting in Execution all the Powers by this Act given; and that they, and the Survivors of them, or any or more of them, or such Person or Persons as they, or any or more of them, shall direct or appoint, shall and may, and they are hereby authorized and impowered to erect and set up One or more Turnpike or Turnpikes, or Toll-gate or Toll-gates, Toll-house or Toll-houses, in, upon, or cross, any Part or Parts, or Place or Places, of the said Road, between *Bridgeford-lane* End and *Oakham* aforesaid, as to the said Trustees, and their Successors, or any or more of them, shall seem requisite and expedient; and to receive and take, before any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, Litter, Wagon, Wain, Cart, or other Carriage, Horse, Mare, Mule, Ass, or any Sort of Cattle, shall be permitted to pass through the said Turnpike or Turnpikes, Toll-gate or Gates, the several Tolls and Duties following, between *Bridgeford-lane* End aforesaid, and *Oakham* aforesaid; that is to say,



And also to erect and set up One or more Turnpike or Turnpikes, Toll-house or Toll-houses, in, upon, or cross, any Part or Parts of the said Road leading from *Oakham* aforesaid to the Bowling-Green at *Kettering* aforesaid, as to the said Trustees, and their Successors, or any or more of them, shall seem requisite and expedient; and to receive and take, before any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Mule, Ass, or any Sort of Cattle, shall be permitted to pass through the said Turnpike or Turnpikes, Toll-gate or Toll-gates, the several Tolls and Duties following, between *Oakham* and the Bowling-Green at *Kettering* aforesaid; that is to say,

Which said several and respective Sums of Money shall be demanded and taken in the Name of and as a Toll or Duty, Tolls or Duties; and the Money so to be raised and collected shall be, and is hereby, vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied to, and disposed of, or assigned, in manner following; that is to say, In the first Place, for the paying and defraying the Charges and Expences of procuring and obtaining this Act, and afterwards for the making, amending, and keeping in Repair, the Road hereby intended to be made and repaired, and to and for the several other Uses, Intents, and Purposes, and in such manner, as is herein after declared and directed: And the said Trustees, or any or more of them, are hereby empowered by themselves, or by any Person or Persons by them, or any or more of them, under their Hands and Seals thereunto authorized, to the Tolls or Duties hereby required to be paid, upon any Person or Persons who shall (after Demand thereof made) refuse or neglect to pay the same, by of any Horse, or other Cattle, or Goods, upon which such Toll or Duty is by this Act imposed, or upon any other of the Goods and Chattels of such Person or Persons, so neglecting or refusing to pay the same; and the Cattle or Goods so distrained to until such Tolls and Duties, with the reasonable Charges of such shall be paid; and such Person or Persons, so after the Space of after such made and taken, shall and may the Goods so returning the Overplus (if any there be), upon Demand, to the Owner thereof, after such Tolls, Duties, and reasonable Charges, for the same, shall be deducted and paid.

And



And be it further Enacted, by the Authority aforesaid, That if any Person or Persons, owning or occupying any Land near to any of the said Turnpikes, Toll-gates, or Side-bars, shall, during the Continuance of this Act, permit any Person or Persons to pass through such Land with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, or Litter, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or any Sort of Cattle; or if any Person or Persons shall pass through such Land with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, or Litter, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or any Sort of Cattle, with or without such Permission, as aforesaid; or if any Person or Persons shall, at any time, unload, or cause to be unladen, any Sort of Goods or Merchandize, or take off, or cause to be taken off, any Horse or Horses from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, or Litter, or any Horse or Horses, Ox, or Oxen, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby imposed, or shall conceal or secrete any Goods, or other Things, chargeable with any the Tolls aforesaid, or shall put or leave in any House or Place, any Coach, Chariot, Berlin, Landau, Chaise, Chair, Waggon, Wain, Cart, or any other Carriage, Horse, Gelding, Mare, or any other Cattle, chargeable with, or liable to pay, the said Tolls or Duties, with such Intent, as aforesaid, each and every Person and Persons so offending, in any of the Cases aforesaid, and being thereof convicted, upon Oath, by the Testimony of One or more credible Witnesses or Witnesses, before the said Trustees, or any or more of them, which Oath the said Trustees, or any or more of them, are hereby empowered to administer; or before One or more Justice or Justices of the Peace for the County in which such Offence shall be committed (which Oath the said Justice or Justices is and are hereby also empowered to administer); shall, for every such Offence respectively,

to the said Trustees, hereby authorized to put this Act in Execution, or to their Treasurer for the Time being, the Sum of \_\_\_\_\_ which Sum, in case the same be not forthwith paid, shall be \_\_\_\_\_ of the Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the said Trustees, or any or more of them, or of the said Justice or Justices, rendering the Overplus to the Owner, on Demand, after deducting the reasonable Charges of making such \_\_\_\_\_ to be settled by the said Trustees, or any or more of them, or by the said Justice or Justices.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any or more of them, present at their First, or any succeeding, Meeting, by any Writing under their Hands and Seals, shall and may choose and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls and Duties aforesaid; and also shall and may, in like manner, choose and appoint One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Road, and to see that the same is repaired; and also that the Money by this Act be duly applied; and, from time to time, to remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, or any of them, as they shall see Occasion, and appoint new ones in case of Death, or such Removal; and such Person or Persons as is and are hereby made liable to pay the said Tolls or Duties, shall pay the same, after the Rates aforesaid, to such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose; and that the Person or Persons so appointed to collect and receive the said Tolls or Duties, and also such Surveyor and Surveyors so appointed, as aforesaid, shall (upon Oath, or, being



being of the People called Quakers, upon their solemn Affirmation), if thereunto required by the said Trustees, or any or more of them, or before One or more Justice or Justices of the Peace, residing near to the said Road (which Oath or Affirmation the said Trustees, or any or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer), on the

in every Month, or oftener, if required, during the Continuance of this Act, give in a true, exact, and perfect, Account in Writing, under their respective Hands, of all Monies which he and they, and every or any of them, shall, to such time, have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices; for which Oath no Fee or Reward shall be taken; and the same may be taken in Writing, without any Stamp thereupon; and, in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any or more of them, or to such Person or Persons as they, or any or more of them, shall, by any Writing or Writings under their Hands, authorize and impower to receive the same; and shall be disbursed and laid out in amending the said Road, according to the true Meaning of this Act, and not otherwise; and the said Trustees, or any or more of them, shall and may, out of the Money arising by the said Tolls and Duties, make such Allowance to the Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, and other Officers, by the said Trustees, or any or more of them, so appointed, as aforesaid, for, and in Consideration of, his and their Care and Pains respectively taken in the Execution of his and their respective Office or Offices, and to such other Person or Persons as have been, or shall be, assisting in and about procuring the said Road to be amended and repaired, as to the said Trustees, or any or more of them, shall seem meet; and, in case the said Receiver or Receivers, Collector or Collectors, of the aforesaid Tolls or Duties, so to be paid, as aforesaid, or the Surveyor or Surveyors, or any of them, shall not give and make such Account or Payment, as the said Trustees, or any or more of them, shall order and direct, that then any or more Justices of the Peace, at any Special Sessions, or monthly Meetings of them, to be holden for the County where such Receiver, Collector, or Surveyor, shall inhabit and dwell, who shall refuse to give and make such Account or Payment, as aforesaid, shall make Inquiry of or concerning such Default, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices are hereby impowered and required to administer, without Fee or Reward); and if any Person or Persons shall be thereof convicted by such Justices, they shall, upon such Conviction, the Party to the common Gaol of the said County, there to remain without Bail, or Mainprize, until he, she, or they, shall have made a true and perfect Account and Payment, as aforesaid, or until he, she, or they, shall have compounded and agreed with the said Trustees for the same, and have paid such Composition-money (which Composition the said Trustees, or any or more of them, are hereby authorized and impowered to make); and such Receiver, Collector, or other Person, so to be committed for not accounting, or for not paying over the Monies in his, her, or their Hands, shall remain and continue under such Commitment, and shall not be discharged, or admitted to Bail, upon his, her, or their, Accounting, as aforesaid, until he, she, or they, also shall pay over the Money which, on such Account or Composition, as aforesaid, shall appear to be due, unto such Person or Persons, as the said Trustees, or any or more of them, shall appoint to receive the same.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any or more of them, shall, and they are hereby required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors,



to be appointed for the Purposes of this present Act, for the due Execution of their said Offices, as to the said Trustees, or any or more of them, shall seem meet : And that the said Trustees, or any or more of them, shall and may, by Writing under their Hands, from time to time, appoint such Treasurers, Receivers, and Collectors, as they shall think fit ; and which Treasurers, Receivers, and Collectors, the said Trustees, or any or more of them, may at any time discharge from his or their Office or Offices.

**And be it further Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to dig, gather, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, or out of or from the Waste or Common, of or in any Parish, Town, Village, or Hamlet, in the said several Counties, proper and convenient for Repairing and Amending of the Road aforesaid ; and, for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials, then to dig, gather, take, and carry away, the same, in and out of any River, Brook, Waste, or Common, of any neighbouring Parish, Town, Village, or Hamlet, in any other County or Counties, without paying any thing for the same ; such Surveyor or Surveyors levelling, or causing to be levelled, all such Holes and Pits where any such Materials, as aforesaid, shall be digged, gathered, or taken, and from whence the same shall be carried away : And where there is not sufficient of such Materials in any such Rivers, Brooks, Commons, or waste Grounds, as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by order of the said Trustees, or any or more of them, to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons (not being the Ground whereon any Houses, Stand, or a Garden, Orchard, Yard, or Park, Paddock, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Plantation or Nursery for Trees), where such Materials are or may be found, and, from time to time, to carry away the same, or so much thereof as the said Surveyor or Surveyors shall judge necessary for repairing and amending the Road aforesaid ; paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees appointed, or to be appointed, for repairing the said Road, or any or more of them, shall adjudge reasonable : And in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, the Justices of the Peace, at their next General Quarter-Sessions to be holden in and for such County wherein the Place from whence such Materials shall have been taken, or the major Part of them then present, shall and may adjudge, assess, and finally determine, the same.

**And be it further Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, or any or more of them, under their Hands), from time to time, to remove and prevent all Annoyances on or in any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise ; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Road, to the Prejudice thereof ; and to cleanse, open, scour, drain, deepen, or enlarge, any Ditch or Watercourse adjoining to the said Road ; and to cut down, lop, or top, any Trees or Bushes (Timber-trees excepted) growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same (the Owners or Occupiers of the Premises where such Annoyances, as aforesaid, shall happen to be, neglecting to remove the same) ; and to cut down such Trees (except



(except as before excepted) or Bushes, or to remove such other Annoyances, for the Space of next after Notice, in Writing, given for that Purpose, under the Hands of the said Trustees, or any or more of them; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances, as afore-said; and shall and may, in case of Refusal, be of the Goods and Chattels of such Owners or Occupiers, by Warrant under the Hands and Seals of the said Trustees, or any or more of them, or under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County wherein that Part of the Road shall lie; rendering the Overplus (if any), after all Charges paid (such Charges to be settled by the said Trustees, or any or more of them, or by the said Justice or Justices): And if, after Removal of any of the said Annoyances, any Person or Persons shall again occasion any Annoyances, by Filth, Dung, Ashes, or otherwise, upon the said Road, or by turning into the same any Watercourse, Sink, or Drain, to the Prejudice thereof, every Person so offending, and being thereof upon Oath of One or more Witness or Witnesses, before the said Trustees, or any or more of them, or before any One or more Justice or Justices of the Peace for the County where the Offence shall be committed (which Oath the said Trustees, or any or more of them, or the said Justice or Justices, is and are hereby impowered to administer), shall, for every such Offence to the said Trustees the Sum of to be levied and recovered in manner hereafter mentioned, and applied for and towards repairing the said Road.

**And be it further Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors to appointed in pursuance of this Act, by Order of the said Trustees, or any or more of them, to make, or cause to be made, Causeways, and to cut and make Drains, through any Grounds lying contiguous to the said Road, and to make and erect, and keep in Repair, Arches, of Brick, Timber, or Stone, thereupon; and to divert and turn the said Road and Highway over any Part of the Land, Commons, or waste Grounds, contiguous and adjoining or lying near thereto; and also to widen any of the narrow Parts of the said Highway or Road, by opening, clearing, and laying into, the same, any Grounds of any Person or Persons, lying contiguous to or near such Highway or Road (not being an House, Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to an House); and also to cause Ditches or Trenches to be made in such Places, and in such manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any or more of them, shall adjudge necessary, for the better diverting, turning, amending, and keeping the said Highway and Road in good Repair; making such reasonable Satisfaction to the Owner or Occupier of such Ground which shall be so used in diverting or turning the said Road, or laid in or unto the said Highway or Road, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, for the Damages which he, she, or they, shall or may thereby sustain, as shall be adjudged by the said Trustees, or any or more of them: And in case any Difference shall arise between the said Trustees and such Owners or Occupiers respectively concerning the same, then it shall and may be lawful to and for the Justices of the Peace, or the major Part of them, at the next General Quarter-Sessions to be holden for the County in which the Matter in Dispute shall lie, to hear, adjudge, and finally determine, the same: And if any Owners or Occupiers of any Watercourse, Ditch or Ditches, adjoining to the said Highway or Road, shall neglect or refuse to cleanse or scour such Watercourse or Watercourses, and to make such Ditch or Ditches so deep, and in such manner, as such Surveyor or Surveyors shall adjudge proper and convenient, after

Notice



Notice shall be given for that Purpose by such Surveyor or Surveyors to be appointed, or such Person or Persons as shall be appointed by him or them, to such Owners or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors to set a Man or Men at work, to scour or cleanse, and make the same; and, by Warrant, from any or more of the said Trustees, or of One or more Justice or Justices of the Peace for the County wherein such Watercourse or Ditch shall lie, to the Charge thereof upon the Person's Goods, or Estates of the Owners of such Watercourse or Watercourses, Ditch or Ditches, and by of his, her, or their, Goods and Chattels, rendering the Overplus (if any be), after all Charges of such Distress and Sale thereout deducted, to the said Owners or Occupiers, when by him, her, or them, demanded.

**Provided always,** That in case the antient and former Way over any Ground shall, by virtue or in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Parish, or Hamlet, wherein the old Road which shall thereby be left or discontinued shall lie, shall not be obliged to repair such old Road, unless the said old Road lead to some other Village, Town, or Place, than the new Road doth.

**And whereas** it may happen that some Person or Persons, Bodies Politick, Corporate, Collegiate, Feoffees in Trust, or others, are seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this present Act, may by the said Trustees be thought necessary or proper to be taken in and added to the said Road, either for extending, widening, enlarging, diverting, turning, altering, or amending, the same, as aforesaid; and they may be willing to treat and agree to sell such Land, Ground, Tenements, and Hereditaments, for the Purposes aforesaid; but are incapable of selling, granting, or conveying, the same, by reason of Infancy, or other Disabilities; **Be it therefore Enacted,** by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on behalf of any Infants, Females Coverts, or Cestuique Trusts, and for all and every Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Land, Grounds, Tenements, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any or more of them, for Satisfaction to be made respectively, for such their Land, Ground, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Custom, or Usage, or any other Matter other Thing whatsoever to the contrary thereof in any-wise notwithstanding: And that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Corporate or Collegiate, Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

**And it is hereby further Enacted,** That if any such Owner, Proprietor, Occupier, Body Politick, Corporate, or Collegiate, or other Person or Persons interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given, or left, in Writing, at the Dwelling-house or Place of Abode of such Person or Persons, or of the Head-Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Ground, Tenements, and Hereditaments, so to be taken into and added to the said Road, as aforesaid, or into which such Way, Path, or Road, as aforesaid, shall be diverted, turned, or altered, as aforesaid, shall, by the Space of



after such Notice given or left, as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or, by reason of Absence, shall be prevented from treating, then, and in every or any such Case, the said Trustees, or any or more of them, shall cause it be inquired into, and ascertained, by and upon the Oaths of a Jury of indifferent Men of One, some, or all, of the Parishes in which the said Road lies (which Oath the said Trustees, or any or more of them, are hereby impowered and required to administer), what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons interested or concerned therein, shall or may suffer or sustain for or by reason of the taking in or adding of any such Land, Ground, Tenements, or Hereditaments, into the said Road, and what Recompence and Satisfaction such Owners, Occupiers, Proprietors, or other Person or Persons suffering thereby, shall respectively have by reason or on account thereof: And for that Purpose, and in order thereto, the said Trustees, or any or more of them, are hereby impowered and required, from time to time, as it shall be necessary or requisite, to summon and call before them all and every Person and Persons whatsoever who shall be thought necessary or proper to be examined as Witness or Witnesses, touching or concerning the Premises; and shall examine all such Witnesses before the said Jury, upon Oath (which Oath the said Trustees, or any or more of them, are hereby impowered and required to administer); and they shall also order and cause the said Jury to view the said Places in question, and to use all other lawful Ways and Means as well for their own as the said Jury's Information in the Premises, as they the said Trustees, or any or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled, such Damages and Recompence, they the said Trustees, or any or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors, of the said Lands, Grounds, Tenements, and Hereditaments, or other Persons interested therein, according to such the Verdict or Inquisition, and Judgment, of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties or Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Feme Coverts, and Persons under any other Disabilities whatsoever, Bodies Politick, Corporate, and Collegiate, as well as all and every other Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person or Persons any ways interested in such Land, Ground, Tenements, and Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, barred and divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same.

And, for the summoning or returning such Jury or Juries, **Be it further Enacted**, by the Authority aforesaid, That the said Trustees, or any or more of them, are hereby impowered to issue out their Warrant to the Sheriff of the County where such Ground so intended to be taken in and added to the said Road lies, thereby requiring him to impanel, summon, and return, an indifferent Jury of Persons, to appear before the said Trustees, or any or more of them, at such Time and Place as in such Warrant shall be appointed; whereupon such Sheriff is hereby required to impanel, summon, and return, such Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear to the said Trustees, or any or more of them, shall choose who, being sworn, shall be the Jury for the Purposes aforesaid: And in case any One Piece of Ground, so intended to be taken in and added to the said Road, shall be situate in any Two or more of the said Four Counties



Counties of *Nottingham, Leicester, Rutland, and Northampton*, then, and in such Case, the said Trustees, or any or more of them, shall direct their Warrant for the Purposes aforesaid to the Sheriff of any of the said Counties indifferently, who, together with the said Trustees, shall proceed thereupon in the same manner as if the said Ground had been situate wholly in One County: And, for want of a sufficient Number of Jurymen, the said Sheriff, or his Deputy, shall return other honest and indifferent Men, of the Standers-by, or that can be speedily procured to attend that Service, to the Number of

**Provided always, and be it further Enacted**, by the Authority aforesaid, That all Persons concerned shall, from time to time, have their lawful Challenges against any of the said Jurymen, when they come to be sworn: And that the said Trustees, or any or more of them, acting in the Premises, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff or Sheriffs, his or their Deputy or Deputies, Bailiffs, or Agents, making Default in the Premises; and on any of the Persons that shall be summoned and returned on such Jury, not appearing, or refusing to be sworn on the said Jury; and being so sworn, and refusing, and not giving, their Verdict concerning the same; or in any other manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act; and on any Person or Persons, who, being required to give Evidence before the said Jury, touching the Premises, shall refuse to be examined, or to give Evidence, touching the same; and, from time to time, to set such Fine or Fines, not to exceed the Sum of upon any One Person; and, from time to time, to such Fine or Fines, by of the Goods and Chattels of such Person, by Warrant from any or more of the said Trustees, the same to be applied towards repairing the said Road.

**And be it further Enacted**, by the Authority aforesaid, That all and every such Sum or Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and are hereby, charged and chargeable upon all Tolls and Monies which shall be raised, received, collected, or borrowed, for the Purposes of this present Act; and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their respective Agents; and that, upon Payment or Tender thereof to the said Persons so respectively intitled thereto, and, in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Clerk to the said Trustees, for the Time being, for the Use of such Person or Persons as the said Trustees, or any or more of them, shall appoint the same to be paid unto, and after Notice thereof given to such Person or Persons, it shall and may be lawful for the said Trustees, or any or more of them, their Surveyors, Workmen, Servants, and Agents, to take into and add to the said Road such said Ground, Lands, or Tenements, and to do all and every such Act, Matter, and Thing, with relation to the said Ground, Land, Tenements, and Hereditaments, so taken into and added, or to be taken into and added, to the said Road, and to ditch and fence the same, as the said Trustees, or any or more of them, shall think fit: And the said Ground, Lands, or Tenements, so taken or to be taken in, when the same shall be so ditched and fenced, as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth become and be, and shall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Road, not only during the Continuance of this present Act, but for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods, and in all respects in such manner, as other Highways are by Law to be repaired, and kept in Repair: And after such Purchase shall be made, as aforesaid, and the same shall be made Part of the said Road, and completely repaired and finished, the



the Lands and Grounds comprised in, or constituting, the old or former Road, in lieu whereof the Land or Ground for which such new Road or Way shall be purchased, obtained, and made, as aforesaid, shall or may be sold, or disposed of, by the said Trustees, or any or more of them, to such Person or Persons as shall be willing to become Purchasers thereof, for the best Price that can be reasonably had or gotten for the same; and the Money arising by such Sale shall be applied and disposed of for repairing and amending the said Road; and such Conveyance or Conveyances to be made of the said Lands and Grounds comprised in the said old Road, being executed by the said Trustees, or any or more of them, and inrolled with the Clerk of the Peace for such County wherein such old Road lies, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

**Provided always,** That no Person or Persons shall sit or act as a Trustee or Trustees in any Case relating to the Contracting for, or Purchasing of, any Ground, Lands, Tenements, and Hereditaments, so to be taken into the said Road, where he or they are concerned in Interest.

**And be it Enacted,** by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors, by Order of the said Trustees, or any or more of them, to make, or cause to be made, a Road or Way through, over, or along, any Grounds adjoining to any narrow or ruinous Part or Parts of the said Road hereby intended to be repaired (not being the Grounds whereon any Houses or Building stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to an House, or any Piece or Parcel of inclosed Ground, planted, set apart, and used as a Plantation or Nursery of Trees), to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old narrow or ruinous Road is repairing, and till such time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road intended to be repaired, and no longer; making such Satisfaction to the Owners or Occupiers of such Grounds respectively, through, over, or along which such temporary Road or Roads shall be made, for the Damage such Owners and Occupiers respectively shall or may sustain thereby, as shall be adjudged by the said Trustees, or any or more of them: And, in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter-Sessions, or at their Second Quarter-Sessions at the furthest, to be holden for the County in which such temporary Road shall lie, or the major Part of them present at such Quarter-Sessions, and they are hereby required, to hear, settle, adjudge, and finally determine, the same.

**And forasmuch** as the Money to be collected by the Receipts of the Tolls or Duties by this Act made payable, as aforesaid, will not, for some time, be sufficient for the speedy Repairing of the said Road; **Be it further Enacted,** by the Authority aforesaid, That the said Trustees, or any or more of them, shall and may, and are hereby impowered, from time to time, by any Writing or Writings, under their Hands and Seals, to assign over or mortgage the Tolls and Duties arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be borne and paid out of such Tolls and Duties), for any Time or Term, during the Continuance of this Act, as a Security for any Sum or Sums of Money, so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Payment thereof, with legal Interest or less; which Money, so to be borrowed, shall be applied and disposed



of as the said Tolls or Duties by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

And be it further Enacted, by the Authority aforesaid, That Copies of all and every the Assignments or Mortgages, so to be made by the Trustees, as aforesaid, shall be registred or entered at Length, in a Book or Books, to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books, shall and may be seen and perused at all seasonable times, by any Person or Persons whomsoever, without Fee or Reward.

Provided always, and it is hereby Declared, That no Money shall be borrowed by the said Trustees, or any of them, upon the Credit of the Tolls to be collected by virtue of this Act, after the First Meeting of the Trustees for putting this Act in Execution, unless Notice be, for that Purpose, fixed in Writing, under the Hand of the Clerk or Clerks to the said Trustees, upon all the Turnpikes then erected by virtue of this Act, at least before the Borrowing of such Money.

And it is also further Enacted, by the Authority aforesaid, That all and every Person or Persons to whom any Assignment or Assignments of the said Tolls shall be made by the said Trustees, or any or more of them, as a Security for any Sum or Sums of Money by any Person or Persons lent and advanced on the Credit, and for the Purposes mentioned in this Act, or shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their, Security, or by any other Writing or Writings, under his, her, or their, Hands and Seals, to be duly executed in the Presence of or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest-money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, appointed, or to be appointed, by the said Trustees, or any or more of them, within after the Date thereof; who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be transferred, in the said Book to be kept for the entering the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of and no more; and, after such Entry made, such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like manner, assign again, and so *toties quoties*; and it shall not be in the Power of such Person or Persons, who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

And, for preventing Frauds and Abuses in the said Tolls and Duties hereby granted, Be it further Enacted, by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty by this Act laid, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving the same, being thereof convicted before the said Trustees, or any or more of them, or before One or more Justice or Justices of the Peace, for any or either of the said Counties of Nottingham, Leicester, Rutland, and Northampton, wherein such Offence shall be committed (which Oath the said Trustees, or any or more of them, or the said Justice or Justices, is and are hereby impowered to administer), shall respectively



herein after-mentioned; one                      whereof shall go to the Informer, and the other shall be applied towards repairing the said Road.

**Provided always, and it is hereby Declared,** That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for any Quantities of Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing the said Road, or for any Lime, Lime-stones, Dung, Mould, or Compost, of any Nature or Kind whatsoever, for Manuring of Lands or Gardens; nor shall any Toll or Duty be demanded or taken, by virtue of this Act, for any Carts, Wains, Waggon, or other Carriages, carrying any Hay, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places, in which the said Road, hereby intended to be repaired, doth lie; nor for any Ploughs, Harrows, or any other Implements of Husbandry, or any other thing whatsoever, belonging to, or employed by, such Inhabitants respectively in Husbandry, Manuring or Stocking of Lands lying near the said Road; nor shall any of the Tolls or Duties hereby laid be demanded or taken from any Person or Persons residing in the said Parishes, in which the said Road, hereby directed to be repaired, doth lie, who shall pass through the said Turnpikes, to and from Church, Chapel, or other Places of religious Worship, on *Sundays*, or who shall attend the Funeral of any Person or Persons who shall die or be buried, in any of the Parishes in which the said Road, hereby directed to be repaired, doth lie; or for any Horses, Geldings, Mares, or Cattle, going to, or returning from, Pasture, Watering-places, or Shoeing, belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants, near the said Road; or for any Post-horses carrying the Mail or Packet; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing, who are upon their March, or for Carts, Carriages, or Waggon, attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Waggon, travelling with Vagrants sent by Passes.

**Provided always, and it is hereby Enacted,** by the Authority aforesaid, That, during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Litters, and Passengers on Horseback, shall pass and repass Toll-free, on the Days or Times on which there shall be an Election of a Knight or Knights of the Shire for any of the said Counties of *Nottingham, Leicester, Rutland, and Northampton*; such Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, Litters, or Passengers, going or returning from such Election; any thing herein contained to the contrary notwithstanding.

**And be it further Enacted,** by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses, which shall be erected and built, by virtue of this Act, shall be vested in the said Trustees, appointed, or to be appointed, to put the same into Execution; and that they, or any                      or more of them, are hereby authorized and impowered to dispose thereof, as they shall think proper; or to bring Actions, and to prefer Bills of Indictment, in their Names, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or any One or more of them, against any Person or Persons who shall steal, take away, break down, damage, or spoil, such Turnpikes or Toll-houses, or any of them, so erected and built, as aforesaid.

**Provided always, and it is hereby further Enacted and Declared** by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees nominated and appointed for the Purposes of this Act, or their Successors or any                      or more of them, to lay out and apply so much and such Part of the Money to be raised and levied, by Force and Virtue, and upon the Credit, of this Act



Act, as they shall, from time to time, think requisite and necessary in that behalf, for and towards the supporting, maintaining, and repairing, and the Way and Passage over the same, and all other Bridges over which the Road, intended to be repaired by this Act, doth lead.

**Provided always, and be it further Enacted,** by the Authority aforesaid, That all and every Person and Persons, who by Law are chargeable towards the repairing and amending the said Road and Bridges hereby intended to be repaired, shall still remain chargeable, and do their respective Days Work in the several Parishes, Townships, and Places, in which the said Road and Bridges do respectively lie, in such manner as he, she, or they, ought to have done, before the Passing of this Act.

**And,** for preventing Differences which may arise between the said Trustees, and the Surveyors of the Highways, for the Time being, for the several Parishes or Places through which the Road aforesaid doth lead, touching what Part of the Statute-work in any Parish, Place, or Division, ought to be done on the Road by this Act directed to be repaired; **Be it further Enacted,** by the Authority aforesaid, that it shall and may (yearly and every Year, during the Continuance of this Act) be lawful for any or more of the said Trustees, at any of their publick Meetings, upon Application made to them by the said Turnpike-Surveyor or Surveyors, to adjudge and determine what Part or Proportion of the said Statute-work shall be done upon the Road aforesaid, by the Inhabitants of each or any of the Parishes in which the said Road, hereby directed to be amended, doth lie; so that the same shall not, in the Whole, exceed Days Statute-work, nor be done in Hay-time or Harvest.

**Provided also, and be it further Enacted,** by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any or more of them, from time to time, during the Continuance of this Act, to compound and agree with any of the Parishes or Townships to which the said Road doth belong, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Road, for a certain Sum of Money, or otherwise, by the as the said Trustees, or any or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Parish or Parishes, Township or Townships, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments, chargeable as aforesaid; Copies of all which Compositions or Agreements, so to be made by the said Trustees, as aforesaid, shall be entered at Length in a Book or Books, to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may, at all seasonable times, be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

**And be it further Enacted,** by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highways, for the Time being, of all and every the Parish and Parishes in which the said Road, intended to be repaired by this present Act, doth lie, shall yearly and every Year, during the Continuance of this Act, within Days after Demand made to him or them, in Writing, by the Turnpike-Surveyor or Surveyors appointed, or to be appointed, by the said Trustees, or any or more of them, give and deliver to the said Turnpike-Surveyor or Surveyors an exact List or Account, in Writing, under his or their Hands, of the Christian and Surnames of all and every Person and Persons in the said respective Parishes, who are by Law chargeable towards repairing the Roads in any of the said Parishes; and shall set forth and specify in such List, what each Person is respectively chargeable



chargeable with, for and towards the same; and he said Parish-Surveyor or Surveyors, for the Time being respectively, within after Notice shall be given them, or either of them, by the said Turnpike-Surveyor or Surveyors, of the Time when (except in Hay or Corn Harvest), and how many of the Persons so chargeable, as aforesaid, he or they would have to do such their respective Statute or Days Work, so adjudged or appointed, as aforesaid, in or upon any Part or Parts of the said Road, shall summon or give publick Notice thereof to the said Person or Persons so chargeable, as aforesaid: And if any Parish-Surveyor or Surveyors aforesaid shall neglect or refuse to do as they are hereby required and directed to do, he or they, for every such Neglect or Refusal, shall forfeit the Sum of

in such manner as any other Forfeiture or Penalty is, by this Act, directed to be levied and recovered; which said Sum of

shall be applied towards repairing the said Road: And if any Person or Persons, keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Roads, shall, after such Summons, or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts (each Team or Cart not to contain less than good Horses, or Beasts of Draught, with to attend the same) to do and perform such their respective Days Work on the said Road, he, she, or they, so neglecting or refusing, shall respectively forfeit the Sum of for every Team, Draught, or Cart, making Default each of the said respective Days; and if any Labourer, or other Person or Persons, so chargeable towards repairing the said Road, shall, at any time, neglect or refuse (after such Summons, or publick Notice) to do and perform the the said appointed Days Work on the said Road, he or they shall respectively forfeit the Sum of for each of the said Days such Labourer, or other Person or Persons, shall make Default: And if any Person or Persons (who shall, according to such Summons, or publick Notice, as aforesaid) come to work as Labourers, or be sent with any Team, Draught, or Cart, to work on the said Road, are found idle or negligent by the said Turnpike-Surveyor or Surveyors respectively, where the Work is to be done, in such case the said Turnpike-Surveyor or Surveyors may, and is and are hereby impowered and required to remove and turn him or them off, who shall be found idle and negligent, as aforesaid; and it shall be esteemed and taken as if such Person or Persons had not come as a Labourer, or had not come with, or sent, any Team, Draught, or Cart, to work on the said Road, and he, she, or they, shall be subject and liable to do their respective Days Work, so ordered and appointed, as aforesaid

And be it further Enacted, by the Authority aforesaid, That the said Trustees or any or more of them, shall, and they are hereby impowered, from time to time, as they shall see convenient, or think fit, to compound or agree by the with any Person or Persons, using to travel through the Turnpike or Turnpikes to be erected on the said Road, with any Waggon, Wain, Cart, Horse, Gelding, Mare, or other Beast of Burden, for any Sum or Sums of Money to be paid or otherwise, from time to time, after such Agreement shall be made; Copies of all which Compositions or Agreements so to be made by the Trustees, as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused at all seasonable times by any Person whomsoever, without Fee or Reward.

Provided always, and be it Enacted, by the Authority aforesaid, That in case any Composition-money agreed to be paid for passing through the said Turnpikes or Gates to be erected by virtue of this Act Toll-free, or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, or Hamlet, wherein the Road to be amended by virtue of this Act doth lie, shall not be paid within



next after the same shall become payable, according to such Composition or Agreement, that then it shall and may be lawful for any Justice of the Peace of the County wherein such Person or Persons so compounding, as aforesaid, shall reside, by Warrant under his Hand and Seal, to empower the Person authorized by the said Trustees, or any or more of them, to receive such Composition-money; and, Oath being first made, that the same has been demanded, and remains unpaid (which Oath such Justice is hereby authorized to administer), to

of the Goods of the Person and Persons so having compounded for passing through any of the said Turnpikes Toll-free, as aforesaid, or of the Person or Persons who shall so compound for or in respect of the said Statute or Days Work, or of the Surveyors of the Highways, for the Time being, of such Parish, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus, after the Charges of such thereout first deducted.

**Provided always, and be it Enacted,** by the Authority aforesaid, That if any of the Surveyors of the Highways of and for such Parish, Township, or Hamlet, for which any such Composition shall be made, for any Statute or Days Work, as aforesaid, shall pay the Composition-money, or in case such Composition-money shall be on him in the manner herein before provided, all and every such Surveyor and Surveyors shall and may be reimbursed the Composition-money he shall so pay, or which shall be so on him, together with the Charges of the same, in such manner as by the Laws now in being Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the said Highways.

**Provided always, and it is hereby Enacted and Declared,** That if it shall appear to the said Trustees, or any or more of them, that any Lands, Tenements, or Hereditaments, or any Rents and Profits issuing out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be, liable and chargeable towards the amending the Road and Bridges by this Act directed to be repaired, or any Part thereof, such Lands, Tenements, and Hereditaments, shall still remain liable and chargeable; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits to such Person and Persons as the said Trustees, or any or more of them, shall appoint to receive the Tolls and Duties granted by this Act: And, upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, or any or more of them, by Warrant under their Hands and Seals, to

of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid: And such Rents and Profits, when recovered and received, shall be applied, from time to time, for and towards amending that Part of the said Road to which the said Lands and Rents were liable before the passing this Act, and the Bridges there, and to no other Use or Purpose whatsoever.

**Provided always, and it is hereby Enacted and Declared,** That nothing herein contained shall prejudice, defeat, or interrupt, the Right or Claim of any Persons or Persons, Bodies Politick or Corporate, to any such Tolls or Duties as have by long Usage been had, and lawfully taken, upon any Part of the said Road.

**And be it further Enacted,** by the Authority aforesaid, That all Penalties and Forfeitures by this Act incurred (touching which no other Provision is herein made) shall be levied and recovered by of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said Counties of *Nottingham*, *Leicester*, *Rutland*, and *Northampton*, respectively, where the Offence shall happen; which Warrant or Warrants the said Justice or Justices is and are hereby empowered



and required to grant, upon the Information of One or more credible Witnesses or Witnesses, upon Oath (which Oath such Justice or Justices is or are hereby impowered and required to administer); and the rendering the Overplus (if any be) to the Party or Parties whose Goods or Chattels shall be so (the Charge of such deducted), shall go, and be applied and laid out (if not otherwise directed to be applied by this Act), towards amending the Road hereby directed to be repaired.

And be it further Enacted, by the Authority aforesaid, That the said Trustees appointed, or to be appointed, to put this Act in Execution, shall, during the Continuance thereof, take care to have all Receipts, Payments, Debts, Orders, and Contracts, had or made, or contracted, or entered into, for, upon, or on account of, the making and amending, widening, diverting, or turning, the said Road, and all other the Proceedings of them the said Trustees, to be forthwith fairly written and entered in One or more Book or Books, to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall or may be seen and perused at all seasonable times, without Fee or Reward, by any Person or Persons whomsoever; and also that any of the said Trustees so appointed shall and may take Copies of all or any Part thereof, paying for every Copy, not exceeding Number of Words: And that all such Orders so entered shall be signed by the Clerk to the said Trustees at any Meeting of any or more of the Trustees aforesaid assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of any or more of the Trustees: Which said Book or Books, and also the said Book directed to be kept for registering or entering the said Assignments and Transfers, shall and may be produced, and read in Evidence, in all Cases of Appeals, Suits, or Actions, touching any thing done in Pursuance, and by the Authority, of this Act.

Provided always, and be it further Enacted, by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him, her, or themselves, aggrieved, by any thing done in pursuance of this Act, it shall and may be lawful to and for him, her, or them, within the Space of to appeal to the Justices of the Peace, at their next General Quarter-Sessions of the Peace to be held for the County or Counties where the Matter in Question shall arise, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved; and, if they see Cause, shall and may, by Order of such Sessions, mitigate, at their Discretion, all or any the Penalties or Forfeitures incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Party or Parties at Liberty; or otherwise may ratify and confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and to by their Order or Warrant, such Costs, so awarded, by of the Goods and Chattels of any Person or Persons who shall refuse to obey the same; and, for want of sufficient Distress, to the Party or Parties to the of the said respective Counties of *Nottingham, Leicester, Rutland, and Northampton*, wherein such Appeal shall be heard and determined, for any time not exceeding or until Payment of such Costs shall be made: But the Person or Persons so appealing, as aforesaid, shall, and they are hereby directed to give Notice, in Writing, to the Treasurer or Treasurers, for the Time being of the Tolls and Duties granted by this Act where the Offence was committed, of such their Intention of bringing or prosecuting any Appeal Days before the said Quarter-Sessions; and shall, within after such Notice given enter into a Recognizance before One or more Justice or Justices of the Peace of and for such County where such Appeal shall lie, with sufficient Sureties, with Condition to try such Appeal at the Quarter-Sessions of the Peace which shall be held



for such County, next and immediately after giving Notice of such Appeal, shall at the then next General Quarter-Sessions be there heard, and finally determined.

**Provided** always, and be it further **Enacted**, by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only; or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*; any thing herein contained to the contrary notwithstanding.

**And it is hereby further Enacted and Declared**, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, or other Determination whatsoever, under the Hand and Seal, or Hands and Seals, of any of the Trustees of this Act, or under the Hand and Seal, or Hands and Seals, of, or exhibited before, any Justice or Justices of the Peace, touching, concerning, or in Execution of, any Power or Authority hereby vested in them, some or any of them, respectively, shall be charged or chargeable with any Stamp-duty whatsoever.

**And it is hereby further Enacted and Declared**, by the Authority aforesaid, That the said Trustees, or any or more of them, are hereby authorized and impowered, from time to time, in case it shall appear requisite and expedient, to lessen the several Tolls and Duties hereby granted, and made payable; and to order, and direct such Tolls and Duties, so to be lessened and reduced, to be collected, received, taken, laid out, and applied, for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit; so as such Reduction be no Prejudice to, or be with the Consent of, the several Persons who shall have advanced any Money secured thereby; any thing herein contained to the contrary in any-wise notwithstanding.

**And be it further Enacted**, by the Authority aforesaid, That the Tolls or Duties hereby granted shall take place from and after the

and shall continue and be paid from thenceforth  
(subject to such Reduction as aforesaid) for and during the Term of

But if, at any time before the Expiration of the said Term, all the said Road shall be sufficiently amended and repaired, and so adjudged by the Justices of the Peace of the said several Counties of *Nottingham*, *Leicester*, *Rutland*, and *Northampton*, at their respective General Quarter-Sessions to be holden for the said several Counties; that then, from and after such Adjudications made, and Repayment of all such Monies as shall have been borrowed on the Credit of the said Tolls and Duties hereby granted, with the Interest for the same, and the Costs and Charges thereof, and of obtaining this Act of Parliament, the aforesaid Tolls and Duties shall cease and determine; any thing herein contained to the contrary notwithstanding.

**And be it further Enacted and Declared**, by the Authority aforesaid, That it shall and may be lawful to and for any of the said Trustees appointed, or to be appointed, to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the several Counties in which the said Road hereby intended to be repaired doth lie, to act as a Justice or Justices of the Peace in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

**Provided** always, and be it further **Declared and Enacted**, That no Person or Persons appointed, or to be appointed, by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out



out of it, or by reason of any Tolls or Duties by this Act laid or granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the time of accepting, and during the Enjoyment of, such Place of Profit as aforesaid.

**Provided also, and it is hereby further Enacted,** That the said Trustees, or any or more of them, shall and may, and they are hereby required to cause the said Road to be measured, and Stones or Posts to be set up thereon, or near the Sides of the said Road, each Stone or Post at the Distance of One Mile from another, and denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees shall seem meet: And if any Person or Persons shall voluntarily and maliciously break any of the said Stones or Posts, or any Part thereof, which shall be so erected, and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said respective Counties of *Nottingham, Leicester, Rutland, and Northampton*, where such Offence shall be committed, every such Person or Persons, so offending, shall respectively for each Stone or Post so voluntarily or maliciously broke, obliterated, or defaced, to be of the Goods and Chattels of every such Offender or Offenders, by under the Hand and Seal, or Hands and Seals, of such Justice or Justices before whom such Conviction shall be made; whereof to go to the Informer, and thereof shall be applied in repairing the said Road, and making good such Stones or Posts, so broken or defaced: And in case the Person or Persons so offending, and convicted, shall have no Goods and Chattels, then it shall and may be lawful to and for any One or more such Justice or Justices, by Warrant under his Hand and Seal, or their Hands and Seals respectively, to such Person or Persons to any House of Correction in such County, where such Offence was committed, there to remain for the Space of

**And be it further Enacted,** by the Authority aforesaid, That the Money arising by the Tolls granted and directed to be levied by this Act, or to be borrowed upon the Credit thereof, shall be applied and laid out in repairing the said Road, in the Manner, and according to the Proportions, following; that is to say, Parts thereof (the Whole in equal Parts to be divided) shall be expended, applied, and laid out, in amending and repairing that Part of the said Road which leads from *Bridgeford-lane* End aforesaid to *Oakham* aforesaid; and the other Parts thereof shall be expended, applied, and laid out, in amending and repairing that Part of the said Road which leads from *Oakham* aforesaid to the said Bowling-Green in *Kettering* aforesaid.

**And be it further Enacted,** That no Person shall be capable of acting as Trustee, in any Case, in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold, Leasehold, or Copyhold, of the yearly Value of above Reprizes; or shall be Heir apparent to some Person or Persons having an Estate of the yearly Value of or shall have a personal Estate of the Value of And if any Person or Persons, so made incapable to act, for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person and Persons shall forfeit and pay the Sum of Pounds to any Person or Persons that will inform and sue for the same, to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, or Information; wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.



Provided always, and be it Enacted, That in case there shall be more than Gates or Turnpikes erected or continued, in pursuance of this Act, upon, cross, or on the Side of, that Part of the said Road, which lies between the then, and in such case, the Tolls and Duties hereby granted, and made payable, for passing that Part of the said Road which lies between the shall be divided and allotted into so many Parts, Shares, and Proportions, as the said Trustees, or any or more of them, shall direct and appoint; and the same shall be taken and received at such and so many of the said Turnpikes or Toll-bars, as by the said Trustees, or any or more of them, shall be ordered and appointed for that Purpose, and not otherwise; and also in case there shall be or more Turnpikes or Toll-bars erected, in pursuance of this Act, upon, cross, or on the Side of that Part of, the said Road, which lies between the

aforesaid, then, and in such case, the Tolls and Duties hereby granted and made payable, for passing that Part of the said Road which lies between shall be divided and allotted into so many Parts, Shares, and Proportions, as the said Trustees, or any or more of them, shall direct or appoint; and the same shall be taken and received, at such and so many of the said Turnpikes or Toll-bars, as by the said Trustees, or any or more of them, shall be ordered and appointed for that Purpose, and not otherwise: And also that no Person or Persons, who shall have Occasion to pass through any of the Toll-gates or Turnpikes erected in pursuance of this Act, with any Coach, Landau, Berlin, Chariot, Calash, Chaise, Hearse, Litter, Chair, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or other Cattle, having paid the Tolls and Duties appointed by this Act to be taken, and who shall return and pass through the same Toll-gate or Turnpike, at which such Tolls or Duties were paid, on the same Day, upon or with the same Coach, Landau, Berlin, Chariot, Calash, Chaise, Hearse, Litter, Chair, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or other Cattle, shall be liable or compellable, on the same Day, to pay the Toll or Duty more than once at the same Gates or Turnpikes.

And be it further Enacted, by the Authority aforesaid, That the several Trustees hereby appointed, or any or more of them, shall meet together at the Sign of the

and shall adjourn themselves, and afterwards meet there, or at any other Place near the said Road, as the said Trustees, or any or more of them, shall think proper and convenient, as often as it shall be necessary for putting this Act in Execution; and that a General Meeting of the said Trustees shall yearly and every Year, during the Continuance of this Act, be held at the said House at Oakham aforesaid, or any other convenient House, in the said Town of Oakham Notice to be given in Writing, and fixed on all the Turnpikes), on the for the Passing and Settling of all Accounts of all Receivers, Collectors, Toll-bar-keepers, and other Officers, belonging or relating to the said Road, and for the Choice of such Trustees, in the room of such Trustees as shall be then dead, or refuse to act, unless the said shall happen to be on a Sunday; and that then such yearly General Meeting shall be held on the Monday next following: And if there shall not appear, at any such yearly General, or any other Meeting, so appointed, or to be appointed, a sufficient Number of Trustees to act at such yearly General or other Meeting, and to adjourn to another Day, the Clerk or Clerks to the said Trustees shall and may, by publick Notice, in Writing, to be fixed at all the Turnpikes, at least Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House, in or near the said Road; and the said Trustees, at their First and every subsequent Meeting, shall defray their own Expences.

*and at Boston  
Clippington*



**Provided always, and be it further Enacted,** by the Authority aforesaid, That the said Trustees shall make no Order, in pursuance of this Act, which shall relate to that Part of the Road leading from

but at such of their Meetings as shall be held at  
aforesaid, or such other Place within the said Division, as the  
said Trustees, or any or more of them, shall appoint, as aforesaid; nor shall  
any Order be made, which shall relate to that Part of the Road leading from  
aforesaid, but at such Meeting of  
the said Trustees, as shall be held at  
other Place within such Division, as the said Trustees, or any or such  
shall appoint, as aforesaid (except as to the said yearly General Meeting, for passing  
the Accounts, and choosing Trustees, in manner aforesaid); any thing herein con-  
tained to the contrary notwithstanding.

**And,** for continuing a sufficient Number of Trustees for putting this Act in Execution, during the Continuance thereof, **Be it further Enacted,** by the Authority aforesaid, That when, and as often as, any Trustee or Trustees shall die, or refuse to act, it shall and may be lawful for the surviving Trustees, or any or more of them, by any Writing or Writings, under their Hands and Seals, from time to time, and at all times hereafter, during the Term aforesaid, at such yearly General Meeting, to be held at  
aforesaid, to nominate or appoint One or more fit Person or Persons, resident in the said County of *Nottingham*, in the room of such Trustee or Trustees, so deceased, or refusing to act, who did or doth reside in the County of *Nottingham*; as also One or more fit Person or Persons, resident in the said County of *Leicester*, in the room of such Trustee or Trustees so deceased, or refusing to act, who did or doth reside within the said County of *Leicester*; as also One or more fit Person or Persons, resident in the said County of *Rutland*, in the room of such Trustee or Trustees so deceased, or refusing to act, who did or doth reside within the said County of *Rutland*; as also One or more fit Person or Persons, resident in the said County of *Northampton*, in the room of such Trustee or Trustees so deceased, or refusing to act, who did or doth reside in the said County of *Northampton*; Notice of the Time and Place of Meeting, for the Election of all and every such Trustee or Trustees, being affixed, in Writing, at all the Toll-gates or Turnpikes to be erected by virtue of this Act, at least  
before the Meeting for such Election: And all and every such Person and Persons, as shall, from time to time, be chosen and appointed, is and are hereby impowered to act, to all Intents and Purposes, in as full and ample manner, as the said Trustees nominated in this Act are impowered to act.

**And be it further Enacted,** by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees hereby appointed, or to be appointed, to put this Act in Execution, or any or more of them, from time to time, by Writing, under their Hands and Seals (without any Stamp thereupon), to assign, lease, demise, lett, farm, or set out, the Tolls by this Act granted, or any Part of such Tolls, to any Person or Persons, who shall be willing to take or farm the same from  
or for any Part of the said Term hereby granted, not exceeding  
Notice, in Writing, to be affixed on all the  
Turnpike-gates to be erected by this Act, and upon publick Bidding to the highest Bidder, and for the best Price such Trustees can get for such Tolls, or any Part thereof, payable at such Times, and under such Covenants, as they the said Trustees, or any or more of them shall think fit, and to be paid to the said Trustees, or any or more of them, or to such Person or Persons as they, or any or more of them, shall appoint to receive the same; which Money, so to be paid, shall be applied and disposed of for repairing the said Road, and the other Purposes herein mentioned, and to no other Use or Purpose whatsoever.



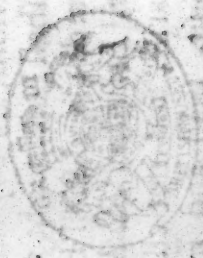
**Provided always, and it is hereby Enacted and Declared,** by the Authority aforeaid, That the said Trustees, or any or more of them, shall, and they are hereby impowered, under their Hands and Seals (without any Stamp-duty thereupon), to contract with any Person or Persons for the repairing, amending, and widening, the said Road, or any Part thereof; and also for the erecting, and setting up, Mile-stones or Posts, in, upon, or on the Sides of, the said Road, or any Part thereof, in such manner, and for such Sum or Sums of Money, as shall be agreed upon by and between the said Trustees, or any or more of them, and such Person and Persons so contracting with the said Trustees; or any or more of them.

**Provided always,** That no Gate or Turnpike, to be erected, and set up, in, cross, or on the Side of, the aforeaid Road, as by this Act is directed, shall be taken down or removed, or any other new Gate or Turnpike shall hereafter be erected, or set up, in, cross, or on the Side of, any Part of the said Road, except by Order of the Trustees, or any or more of them, at a Meeting for that Purpose to be appointed; whereof Notice shall be given, in Writing, by the Clerk of that Part of the Road, wherein such Turnpike shall be taken down or removed, to be fixed on all the Turnpike-gates to be erected on the said Road, by virtue of this Act.

**And be it further Enacted,** by the Authority aforeaid, That if any Action or Suit shall be commenced against Person or Persons, for any thing to be done, in pursuance of this Act, every such Action or Suit shall be brought within next after the Fact committed, and not afterwards; and shall be laid and brought in such of the said several Counties of *Nottingham, Leicester, Rutland, and Northampton*, in which the Cause or Causes of Action shall arise, and not elsewhere: And the Defendants or Defendants in such Action or Suit, shall and may plead the General Issue, Not Guilty; and give this Act, and the special Matter, in Evidence, at any Tryal to be had thereupon; and that the same was done in Pursuance of, and by the Authority of, this Act: And if the same shall appear so to be done, or that such Action or Suit shall be brought, in any other County, Place or Places, that then the Jury shall find for the Defendant or Defendants: And upon such Verdict; or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared; or, if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Costs; and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law.

**And be it further Enacted,** by the Authority aforeaid, That this Act shall be deemed, adjudged, and taken, to be a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.





[ 28 ]

*Handwritten text, possibly a signature or title, appearing vertically on the left margin.*

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A BILL for Repairing and Widen-  
ing the Road from the North  
End of Bridgeford-lane, in the  
County of Nottingham, to and  
through several Towns and Places  
in the Counties of Nottingham,  
Leicester, Rutland, and through  
Rockingham, to the Bowling-  
Green at Kettering, in the County  
of Northampton.

No. 21

As to Annual Meetings  
only